

(3) (1)
cf 100r

BEFORE THE HON'BLE HIGH COURT OF JUDICATURE AT
BILASPUR

IN THE MATTER OF

1928
W.P. NO. 103

S.N.RAM AGED 53 YRS
S/O SHRI EKADASI
R/O SAKET COLONY,
JAGDALPUR DIST-BASTAR[C.G.]

—PETITIONER

VERSUS

1. STATE OF CHHATISGARH
THROUGH THE SECRETARY,
DEPARTMENT OF ADIMJATI, ANUSUCHITJATI,
PICHHADA VERG, AVAM ELP SHANKHAYAK,
KALYAN VIBHAG, D.K.S. BHAWAN,
G.E. ROAD RAIPUR[C.G.]

2. COMMISSIONER ADIVASHI VIKASH,
BEHIND P.M.T. HOSTEL, RAIPUR[C.G.]

3. ASSTT. COMMISSIONER,
ADIVASI VIKAS, JAGDALPUR[C.G.]

—RESPONDENTS

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF
MANDAMUS AND ANY OTHER ORDER OR
DIRECTION AS DEEMED FIT

आदेश पत्रक

W.P. 1928/03

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
28.7.2003	Shri Pradeep Saxena, counsel for the petitioner. Shri Sanjay K. Agarwal, Deputy Advocate General on behalf of the Respondents.	By this petition under Article 226/227 of the Constitution of India the petitioner has challenged the impugned order Annexure P/1 by which the petitioner has been relieved from the post of Assistant Superintendent, Commissioner Office, Jagdalpur. It has been mentioned in the petition that the Madhya Pradesh State Administrative Tribunal vide order dt. 30.5.2002 passed in O.A. No. 514/2002 stayed the effect and operation of the transfer order, although the M.P. State Administrative Tribunal is abolished but that stay order is still in existence. Even than the petitioner has been relieved from the present place of posting vide order dt. 27.5.2003. Shri Agarwal submits that it is a fact that the petitioner has been relieved from the post while the order of Administrative Tribunal is operative. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case it is surprising that how the petitioner has been relieved from the post in spite of the clear cut stay against transfer order of the petitioner by the M.P. State Administrative Tribunal. As per the normal policy of the Govt. an employee is not expected to be transferred for three years unless and until in the public interest or administrative exigency so demands. In this case nothing has been shown by the respondents as to why the petitioner is being transferred again and again and presently when his

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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	transfer order was stayed by the M.P. State Administrative Tribunal how the petitioner has been relieved. If the respondents had any grievance against that order they could have approached the Tribunal for vacating of the stay order. Learned counsel for the petitioner submits that the petitioner joined on 1st September 2001 at the present place of posting therefore in the normal circumstances the petitioner could have continued till 31st August 2004. Having regard to this fact the relieving order Annexure P/1 is quashed and it is directed that the petitioner be allowed to continue on that post till he completes 3 years tenure on this post. If any exigency of work or public interest warrants that the petitioner should be transferred, then the respondents would be at liberty to approach this Court for modification of the order. With the above observations the petition stands disposed of finally. The parties are entitled for certified copy of this order.	Sd/- L.C.BHADOO Judge

[पीछे देखिये]